

said law in regard to mutual building and loan companies. That is to say, allow such mutual companies as have no dealings except with their own members, to secure a permit to do business by paying a fee based on something other than full authorized capital. When you consider that companies of this nature are organized in a manner entirely different from the ordinary corporation for gain, and that all gains or earnings are divided between the members of such companies and do not go to any favored few, we believe your Honorable Body will wish to amend this law and provide fees for permits on a more equitable basis. One of these companies alone has made over \$40,000 on city loans in our county, and it may be said that each of those loans practically means the securing of a home for some citizen. It has always been the policy of the various States and also of the United States to exempt these companies from burdensome taxation. We feel that these companies under proper management are really provident institutions, and ought to be favored, whereas, it would seem to your petitioners that the law now really discriminates against them.

Numerously signed.

Read and referred to Judiciary Committee No. 1.

By Senator Watson:

Bastrop, Texas, January 18, 1909.

Hon. Q. U. Watson.

Dear Sir: We understand that there is to be introduced in the House and Senate today a bill placing all county officers on a stipulated salary, thus repealing the fee bill under which county officers are now working. Being unable to see you in person, and desiring to express to you our disapprobation of this measure, we write asking you to give us your assistance in defeating this bill. It will render the majority of the offices valueless, and will tend to the non-enforcement of the laws, as in many instances officers will be elected who will have no regard for their oaths, and assured of their salaries, will not be diligent in the enforcement of the laws, or in the performance of their duties.

We, therefore, request you to oppose the measure if you can consistently do so. We also oppose abolishing county treasurer's office.

Yours respectfully,

Signed—Woody Townsend, Sheriff;
J. S. Jones, District Attorney; W. H.

Grimes, County Clerk; C. Chalmers, County Treasurer; G. W. Davis, Tax Collector; J. B. Price, County Judge; Thos. H. Parks, District Clerk; J. H. Jones, Tax Assessor; Jack Jenkins, County Attorney.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, January 20, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Terrell of Bowie, the same was dispensed with.

PETITIONS AND MEMORIALS.

See Appendix for all petitions and memorials.

STANDING COMMITTEE REPORTS.

See Appendix for all standing committee reports.

BILLS AND RESOLUTIONS.

By Senator Perkins (by request):

Senate bill No. 88, A bill to be entitled "An Act to encourage Texas authorship and school book publication."

Read first time, and referred to Committee on Educational Affairs.

By Senator Masterson:

Senate bill No. 89, A bill to be entitled "An Act to amend Sections Nos. 2, 11,

12, 13, 16, 17, 22, 23, 29, 30, 35, 41, and 44 of Chapter 15 of the General Laws of the State of Texas, passed at the Regular Session of the Thirtieth Legislature of Texas, entitled 'An Act to authorize the commissioners courts of the several counties of Texas to create and establish drainage districts, to construct canals, drains and ditches, to make levees, improve streams and water courses and make other improvements for the purpose of drainage, to order and hold elections for the purpose of voting on drainage propositions and authorizing the issuance of bonds and levy of tax, and to issue bonds in payment for such drainage improvements and maintenance thereof, and to levy and collect taxes for the payment of such bonds, to appoint drainage commissioners and all other necessary officers of such drainage districts for the purpose of carrying into effect the provisions of this act; granting the right of eminent domain to such drainage districts, and authorizing the drainage commissioners to acquire by purchase, gift or grant, for such district, title to any right of way and other property, and generally authorizing the county commissioners court and the drainage commissioners to do all things necessary for the establishment and maintenance of such districts according to the provisions of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency'; validating certain proceedings had and bonds heretofore issued and registered, providing for additional bonds, repealing all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Mining and Irrigation.

By Senator Ward:

Senate bill No. 90, A bill to be entitled "An Act to amend Article 2439 of Chapter 1, of Title 45 of the Revised Statutes of the State of Texas of 1895, in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, so as to provide a maximum permit fee to be charged foreign corporations organized for the purpose of lending money, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senator Real:

Senate bill No. 91, A bill to be entitled "An Act to amend Sections 105, 106, 108, 109, 112, 113, 114, 117, 118, 119, 120, 121, 122, and 123, of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to teachers' certificates."

Read first time, and referred to Committee on Educational Affairs.

By Senators Veale, Harper and Brachfield:

Senate bill No. 92, A bill to be entitled "An Act to amend Article 375, Penal Code of the State of Texas, relating to and prohibiting raffling, affixing a penalty thereto and providing an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Terrell of Bowie:

Senate bill No. 93, A bill to be entitled "An Act to require any person, firm, or corporation operating a telephone in this State over which the public is charged for talking to make and publish rates of charges and exhibit same, and to prohibit any person, firm, or corporation from charging for overtime that is not actually talked, and for charging for messenger service that is not used or that does not see the person to whom they are sent, and providing the penalties for violation of same, and providing an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Harper:

Senate bill No. 94, A bill to be entitled "An Act to abolish the present Department of Public Health and Vital Statistics and to establish a State Board of Health."

Read first time, and referred to Committee on Public Health.

By Senator Hayter:

Senate bill No. 95, A bill to be entitled "An Act requiring the true consideration to be expressed in all deeds and conveyances hereafter executed and offered for registration, and to fix suitable penalties for the violation of this act, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hume:

Senate bill No. 96, A bill to be entitled "An Act to amend Section 9, Chapter 144, an act passed by the Regular Session of the Thirtieth Legislature of the

State of Texas, 'An Act to preserve and protect the wild game, wild birds and wild fowl of the State; to provide adequate penalties for the violation of this act, and the unlawful taking, slaughter, sale, purchase or shipment thereof, and to repeal all laws or parts of laws in conflict herewith, and declaring an emergency.'"

Read first time, and referred to Judiciary Committee No. 2.

By Senator Meachum:

Senate bill No. 97, A bill to be entitled "An Act to amend Article 1124, Title 29, Chapter 1, of the Revised Civil Statutes of the State of Texas, relative to county judges, election, qualification, and term of office, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Meachum:

Senate bill No. 98, A bill to be entitled "An Act to amend Article 2466, Title 45, Chapter 3, of the Revised Civil Statutes of the State of Texas, relative to compensation of county judges and county commissioners, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 99, A bill to be entitled "An Act to provide for the speedy and efficient enforcement of the liens of mechanics and artisans on the buildings and articles made or repaired by them, and to repeal all existing laws and parts of laws in conflict with the provisions of this act."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Adams:

Senate bill No. 100, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State normal school to be located at Cherokee, Texas, and be known as the West Texas State Normal College, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Hudspeth:

Senate bill No. 101, A bill to be entitled "An Act to amend Section 9, Chapter 144, an act passed by the Thirtieth Legislature, at its Regular Session, 'An Act to preserve and protect the wild game, wild birds and wild fowl of the

State; to provide adequate penalties for the violation of this act, and the unlawful taking, slaughter, sale, purchase, or shipment thereof, and to repeal all laws and parts of laws'; reducing the number of deer killed in a season; prohibiting night shooting; changing the open season on doves, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Sturgeon, Thomas and Senter:

Senate bill No. 102, A bill to be entitled "An Act to regulate, limit and fix the fees and salaries to be paid to the clerks of the district courts, county judges, county attorneys, clerks of the county courts, collectors of taxes, assessors of taxes, sheriffs, county treasurers, justices of the peace and constables, and combining the offices of clerk of the district court and clerk of the county court in certain counties, and combining the offices of collector of taxes and assessor of taxes in certain counties, and to provide for the keeping and maintenance of county prisoners, and to create the office of jailer, and providing for reports to be made by each of such officers and for the publication of the same, and prescribing penalties for the violation of the provisions hereof, and to repeal all laws in conflict herewith."

Read first time, and referred to Judiciary Committee No. 2.

SIMPLE RESOLUTIONS.

Senator Watson offered the following resolution, which was read and adopted:

Whereas, We believe that the business of this session of the Senate can and will be expedited by the appointment of a stenographer as an assistant to the notarial clerk; therefore, be it

Resolved, That Miss Katie Werner of Harris county be appointed as such stenographer, whose duties shall be those of assistant notarial clerk, and to mail out copies of the Journal upon lists furnished by the Senators, and such other duties as may be assigned to her by the President of the Senate.

Signed—Terrell of Bowie, Meachum, Perkins, Watson, Paulus, Holsey, Masterson, Mayfield, Kellie, Willacy, Hudspeth, Adams, Hayter, Veale, Alexander, Hume and Ward.

The following simple resolution was offered by Senator Harper:

In accordance with request of the

members of Judiciary Committee No. 2, it is hereby ordered that Senate bill No. 13, by Senator Kellie, relating to a Forestry Commission, be and the same is hereby ordered printed.

The resolution was read and adopted. Morning call concluded.

SENATE JOINT RESOLUTION NO. 1.

The Chair laid before the Senate, special order for this hour,

Senate Concurrent Resolution No. 1. Being a resolution to amend Article 16 of the Constitution of the State of Texas by adding thereto Section 58, when a majority of the qualified electors for members of the Legislature of Texas at an election for that purpose shall vote in favor of the amendment.

There being a majority and a minority committee report on the resolution, Senator Brachfield moved that the majority committee report be adopted, and

Senator Watson moved, as a substitute, that the minority committee report be adopted.

The substitute motion was lost.

The motion by Senator Brachfield to adopt the majority committee report was then adopted.

(Note.—By the adoption of the committee report the resolution becomes Senate Joint Resolution No. 1 instead of Senate Concurrent Resolution No. 1.)

Pending.

MOTION TO ADJOURN LOST.

Pending discussion on the measure before the Senate, Senator Thomas moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The yeas and nays were called for, and the motion was lost by the following vote:

Yeas—15.

Alexander.	Stokes.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of
Greer.	McLennan.
Hayter.	Thomas.
Mayfield.	Veale.
Perkins.	Ward.

Nays—16.

Adams.	Masterson.
Harper.	Meachum.
Holsey.	Murray.
Hudspeth.	Paulus.
Hume.	Peeler.
Kellie.	Real.

Senter.
Watson.

Weinert.
Willacy.

Senator Cofer then moved that the Senate recess until 2 o'clock today, but the motion was ruled out of order by reason of the fact that a Senator was then addressing the Senate.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, January 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following:

House Concurrent Resolution No. 3, Relating to a change in the printing of bills.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

ADJOURNMENT.

Senator Meachum moved that the Senate adjourn until tomorrow morning at 10 o'clock, and

Senator Senter moved, as a substitute, that the Senate recess until 2 o'clock today.

The substitute was lost, and the motion to adjourn until tomorrow morning at 10 o'clock, was then adopted.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, January 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 62, A bill to be entitled "An Act making it a criminal offense for any person to send to another person an anonymous letter or writing reflecting upon the integrity, chastity, virtue, good character, or reputation of any person, or wherein the life of any such person is threatened, and prescribing a penalty for the violation thereof, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, January 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 37, A bill to be entitled "An Act to amend Sections 1, 12 and 20 of Chapter 128 of the Acts of the Twenty-sixth Legislature, entitled 'An Act providing the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in certain counties, or in any subdivision of the said counties, so that when an election under said law shall be in favor of the stock law, that the certificate thereto shall be prima facie evidence of a compliance with the law to put same in force;' also to provide for the punishment of any one violating the provisions of said act, and adding thereto Section 20a and Section 20b, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, January 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 46, A bill to be entitled "An Act to amend Article 402, of Chapter 6, Title 11, Penal Code of the State of Texas, as amended by Chapter 40 of the Acts of the Regular Session of the Twenty-eighth Legislature of the State of Texas, approved March 16, 1903, relating to unlawfully selling any intoxicating liquor, prescribing the punishment therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, January 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 46, a bill to be entitled "An Act to amend Article 402 of Chapter 6, Title 11, Penal Code of the State of Texas, as amended by Chapter 40 of the Acts of the Regular Session of the Twenty-eighth Legislature of the State of Texas, approved March 16, 1903, relating to unlawfully selling any intoxicating liquor, prescribing the punishment therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

ALEXANDER,
HARPER.

Committee Room,
Austin, Texas, January 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 14, A bill to be entitled "An Act to abolish the Higgins Independent School District and to incorporate an independent school district to be known as the Higgins Independent School District,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

ALEXANDER, Chairman.

(Floor Report.)

Austin, Texas, January 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 38, A bill to be entitled "An Act to create Mertzon Independent School District," etc.,

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Harper, Veale, Meachum, Willacy, Bryan, Hume, Real, Brachfield.

(Floor Report.)

Austin, Texas, January 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 45, A bill to be entitled "An Act creating a special road law

for Lavaca county, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Sturgeon, Terrell of McLennan, Veale, Paulus, Peeler, Murray, Perkins.

Committee Room,

Austin, Texas, January 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 78, A bill to be entitled "An Act to define the practice of optometry, for the examining and licensing of optometrists," etc.,

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

HAYTER, Chairman.

Committee Room.

Austin, Texas, January 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 49, A bill to be entitled "An Act to require common carriers engaged in moving commerce in the State of Texas to use locomotives which are equipped with ash pans that can be dumped or emptied and cleaned without the necessity of any employe going under such locomotive, and providing penalties for violations of the provisions of such act,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass.

BRACHFIELD, Chairman.

Committee Room,

Austin, Texas, January 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 70, A bill to be entitled "An Act to create an Independent School District at the Agricultural and Mechanical College in Brazos county, to provide for the appointment of trustees therefor, and to provide for the government and support of said school district,"

And find the same correctly engrossed.

WARD, Chairman.

PETITIONS AND MEMORIALS.

Senator Harper offered the following petition:

To Hon. J. A. Harper, State Senator, Austin, Texas:

We, the undersigned, do hereby petition you to vote favoring the enactment of a bill which will be presented in the Thirty-first Legislature, asking that body to submit to a vote of the people at the next regular election the question of a constitutional amendment, allowing any person holding a just and legal claim against another, to garnishee as much as ten to twenty-five per cent of any wages or salary that may be due to such debtor by another, to be applied to payment of such claims. This is not intended to work undue hardship on anyone indebted, but it is hoped that such law will have a tendency to educate those contracting debts in Texas to more economic habits, and to have a greater regard for truth, honor and fidelity to their fellowman.

Under our present laws, the very nature and construction of which show an unmistakable tendency to shield the "dead beat," and encourage them in defeating payment of their honest debts, one may lend to another his time, knowledge and merchandise, either for profit or without compensation, means with which to shelter, clothe and feed his family and has no power in any court of Texas by which he can collect for same, where those so accommodated refuse to pay. Through the operation of these laws, which are the very essence of the basest class legislation, many a fortune has been lost and many a business man censured for failures for which these laws alone are responsible.

Therefore, We petition you not to create a law favoring one class as against another class, but to give us laws of equity between man and man. Laws that will reward honesty rather than encourage rascality; in other words, a "square deal for all and special privileges for no one."

Signed—G. W. Dunlap, Geo. F. Waddall, J. E. Player, A. J. Edwards, S. S. Cloy.

Senator Perkins offered the following petition:

McKinney, Texas, January 4, 1909.

Senator Tom W. Perkins, Austin, Texas:

We, the pastors and officers of the various churches of McKinney, do most respectfully request that our Senator

and Representatives use their best influence and votes in the Thirty-first Legislature of Texas to pass any bills that seek to prevent the opening of Sunday fairs and betting on horse races in the State of Texas.

Signed—S. L. Reives, pastor First Presbyterian church; J. L. Greer, J. C. Erwin, J. L. Lovejoy, James S. Forsyth, H. A. L. Greenwood, S. T. Hammond, James P. Nenney, Sr., R. D. Erwin, J. S. Heard, W. T. Hoard, S. D. Heard.

Senator Adams offered the following petition, numerous signed, from citizens of Ballinger, Runnels county, and Erath county:

We, the undersigned citizens believing a State Training School for children to be a necessity for reclaiming incorrigibles, indorse the bill providing for such an institution, as prepared by joint committees from the County Judges and Commissioners' Association of Texas and the Texas Federation of Women's Clubs, and hereby request our legislators to give the bill their immediate support.

The petition was referred to Judiciary Committee No. 2.

Senator Alexander offered the following numerous signed petitions from Tarrant county:

To the Senate and House of Representatives, of Thirty-first Legislature:

We, your petitioners, citizens of Tarrant county, Texas, urge that you immediately pass a resolution submitting to the voters of Texas an amendment to the Constitution prohibiting the sale, barter, etc., of intoxicating liquors in this State, and that you hold up all other legislation until this amendment resolution has been finally acted upon.

Senator Murray, a protest petition from Charles J. Eechart and ninety-eight others against submission.

Also a protest from John H. Bailey and 184 others, Democrats of DeWitt county, against submission.

Also a petition for submission by R. M. Wood and forty others of Twenty-second Senatorial District.

Senator Terrell of McLennan presented a memorial from the volunteer firemen of West, asking for exemption from anti-pass law.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, January 21, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hudspeth.	McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Veale, the same was dispensed with.

PETITIONS AND MEMORIALS.

See Appendix for all petitions and memorials.

STANDING COMMITTEE REPORTS.

See Appendix for all standing committee reports.

BILLS AND RESOLUTIONS.

By Senator Veale:

Senate bill No. 103, A bill to be entitled "An Act to amend Article 548, Chapter 9, Title 18 of the Revised Statutes of the State of Texas, providing for the condemnation by incorporated cities and towns of private property for the purpose of widening streets, avenues or alleys, or for the construction of water mains, supply reservoirs or a standpipe for waterworks or sewers, etc.; to repeal all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.